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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

PRIMARIUS CAPITAL LLC;) Case No.: C 07-01804-CW
PRIMARIUS CHINA FUND LP;)
PRIMARIUS FOCUS LP; PRIMARIUS)
PARTNERS LP; and PRIMARIUS)
OFFSHORE PARTNERS LTD.,) STIPULATION AND ORDER
Plaintiffs,) CONTINUING CASE
) MANAGEMENT CONFERENCE
and)
)
JAYHAWK CAPITAL)
MANAGEMENT, LLC; JAYHAWK)
CHINA FUND (CAYMAN), LTD.;)
JAYHAWK INVESTMENTS, LP;)
JAYHAWK INSTITUTIONAL)
PARTNERS, LP; KENT C.)
MCCARTHY and DOES 1 through 100,)
inclusive)
)
Defendants.)

RECITALS

WHEREAS, Plaintiffs filed their complaint and demand for jury trial on March 30, 2007, and filed their amended complaint on June 11, 2007.

WHEREAS, on September 27, 2007, Plaintiffs and Defendants agreed to submit their claims and counterclaims to binding arbitration under the auspices of Judicial Arbitration and Mediation Services, Inc. (“JAMS”), and requested that the Court stay this action and take all motions and dates off calendar.

WHEREAS, the parties have commenced arbitration before JAMS, with a hearing scheduled for the weeks of January 5 and 12, 2009.

WHEREAS, the parties have conferred and reached agreement that the Case Management Conference should be continued until after the arbitration hearing is held and the arbitration panel issues an award.

STIPULATION

Plaintiffs, through their attorneys of record, and Defendants, through their attorneys of record, hereby stipulate that the Case Management Conference should be continued until after the arbitration hearing is held and the arbitration panel issues an award.

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1 Dated: 10/14/08

SHOOK, HARDY BACON LLP

2 By: Sara S. Tropea

3 Sara S. Tropea, Esq.

4 Attorneys for Respondents, Jayhawk
5 Capital Management LLC, Jayhawk China
6 Fund (Cayman), Ltd., and Jayhawk
7 Investments LP, Jayhawk Institutional
8 Partners, LP and Kent McCarthy

9 Dated: 10/14/08

FAGELBAUM & HELLER LLP

10 By: Philip Heller

11 Philip Heller, PLC

12 Attorneys for Claimants, Primarius
13 Capital LLC; Primarius China Fund LP;
14 Primarius Focus LP; Primarius Partners
15 LP and Primarius Offshore Partners Ltd.

1 **DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B**
2

3 I, Philip Heller, hereby declare pursuant to General Order 45, § X.B, that I have
4 obtained the concurrence in the filing of this document from each of the other
5 signatories listed above and below:

6 I declare under penalty of perjury that the foregoing declaration is true and
7 correct.

8 Executed on 10/14/08, at Los Angeles, California

9

10 Dated: 10/14/08

11 SHOOK, HARDY BACON LLP

12 By: Sara S. Tropea

13 Sara S. Tropea, Esq.
14 Attorneys for Respondents, Jayhawk
15 Capital Management LLC, Jayhawk
16 China Fund (Cayman), Ltd., and Jayhawk
17 Investments LP, Jayhawk Institutional
18 Partners, LP and Kent McCarthy

19 Dated: 10/14/08

20 FAGELBAUM & HELLER LLP

21 By: Philip Heller

22 Philip Heller, PLC
23 Attorneys for Claimants, Primarius Capital
24 LLC; Primarius China Fund LP; Primarius
25 Focus LP; Primarius Partners LP and
26 Primarius Offshore Partners Ltd.

ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED:

The Case Management Conference shall be continue until after the January 2009 arbitration hearing is held and the arbitration panel issues an award, ~~but not later than February 3, 2009, at 2:00 p.m.~~ ^{to}. If an award has not yet issued, counsel may stipulate to continue the Case Management Conference.

10/15/08

Dated:

Hon. Claudia Wilken
United States District Judge

PROOF OF SERVICE

[Case No.: C 07-01804-CW]

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2049 Century Park East, Suite 4250, Los Angeles, California 90067.

On October 14, 2008, served the following document described as:

**STIPULATION AND ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

by placing a copy thereof enclosed in sealed envelopes addressed as follows:

[See Attached Service List]

[] BY U.S. MAIL - I deposited such envelope(s) in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid as follows: I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Los Angeles, California in the ordinary cause of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[X] BY FEDERAL EXPRESS - I deposited such envelope in the drop box at Los Angeles, California. I am readily familiar with this firm's practice of collection and processing correspondence for Federal Express. Under the practice it would be deposited in the Federal Express drop-box for pickup on the same day at Los Angeles, California in the ordinary cause of business.

[] BY OVERNITE EXPRESS - I deposited such envelope in the drop box at Los Angeles, California. I am readily familiar with this firm's practice of collection and processing correspondence for OVERNITE EXPRESS. Under the practice it would be deposited in the Overnite Express drop-box for pickup on the same day at Los Angeles, California in the ordinary cause of business.

[] BY FACSIMILE – I caused such a document to be sent via facsimile to the appropriate facsimile number(s) for the addressee(s) below, at or about _____.m. from (310) 286-7086, and received confirmation that the fax transmission was successfully completed.

[] BY PERSONAL SERVICE - I caused such an envelope to be hand delivered to the office of the addressee.

[] [STATE] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

[X] [FEDERAL] I declare that I am in the office of a member of the bar of this court at whose direction the service was made.

Executed on October 14, 2008, Los Angeles, California.

, California.
Zorina Shah-Sohl

SERVICE LIST

[Case No.: C 07-01804-CW]

BY E-MAIL AND FEDERAL EXPRESS

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BY: E-MAIL AND FEDEX

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Chief Operating Officer and
General Counsel

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